

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

**CASE MANAGEMENT/ELECTRONIC CASE
FILES
ADMINISTRATIVE PROCEDURES**

**AUGUST 2004
(First Revision March 2005)**

1. Scope of Electronic Filing

All cases opened, pending or reopened on or after August 2, 2004, will be assigned to the CM/ECF System (Case Management/Electronic Case Files System, hereafter, ECF System) and the ECF System electronic file constitutes the official case file.

Parties are strongly encouraged to electronically file all petitions, motions, memoranda of law, or other pleadings and documents required to be filed with the court, however, attorneys and others are not required to electronically file pleadings and other papers in a case assigned to the ECF System. Once registered, a Filing User* is required to file all petitions and documents electronically. A Filing User may withdraw from participation in the ECF System by providing the clerk's office with written notice of the withdrawal.

*The term Filing User is used to refer to those who have a court-issued login and password to file documents electronically.

2. Eligibility, Registration, Passwords (Rev. Mar. 2005)

Attorneys admitted to the federal bar in this or any other federal district (including those admitted pro hac vice and attorneys authorized to represent the United States), United States trustees and their assistants, bankruptcy administrators and their assistants, private trustees, and others as the court deems appropriate, may register as Filing Users of the court's ECF System. Registration is in a form prescribed by the clerk and requires the Filing User's name; address; telephone number; Internet e-mail address; state bar identification number, if applicable; PACER identification number; and completion of a training course consistent with the Filing Users' areas of bankruptcy practice. A registration form is attached to these administrative procedures. Attorneys and others as the court deems appropriate, who are registered users of an electronic filing system in another district may obtain access to this court's ECF System upon successful completion of a cross certification proficiency test.

If the court permits, a party to a pending action who is not represented by an attorney may register as a Filing User in the ECF System solely for purposes of the action. Registration is in a form prescribed by the clerk and requires identification of the action as well as the name, address, telephone number and an Internet e-mail address of the party. If, during the course of the action, the party retains an attorney who appears on the party's behalf, the attorney must advise the clerk to terminate the party's registration as a Filing User upon the attorney's appearance.

A person may register as a Limited Filing User* who is eligible to file the following documents:

- 1) Certificate of Service
- 2) Notice of Appearance and Request for Service
- 3) Reaffirmation Agreement
- 4) Withdrawal of Claim

- 5) Objection to Claim
- 6) Proof of Claim

Provided that a Filing User has an Internet e-mail address, registration as a Filing User constitutes: (1) waiver of the right to receive notice by first class mail and consent to receive notice electronically; and (2) waiver of the right to service by personal service or first class mail and consent to electronic service, except with regard to service of a summons and complaint under Fed. R. Bankr. P. 7004. Waiver of service and notice by first class mail applies to notice of the entry of an order or judgment under Fed. R. Bankr. P. 9022.

Once registration is completed, the Filing User will receive notification of the user login and password. Filing Users agree to protect the security of their passwords and immediately notify the clerk if they learn that their password has been compromised. Users may be subject to sanctions for failure to comply with this provision.

*The term Limited Filing User is used to refer to those who may be issued a login and password for a specific purpose.

3. Consequences of Electronic Filing

Electronic transmission of a document to the ECF System consistent with these rules, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for all purposes of the Federal Rules of Bankruptcy Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Fed. R. Bankr. P. 5003.

Before filing a scanned document with the court, a Filing User must verify its legibility.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. The filing of a document by an attorney serves as verification that the debtors have signed all necessary documents including, but not limited to:

- 1) Petition and Schedules
- 2) Verification of Mailing Matrix
- 3) Statements or Lists required to be signed by the debtors
- 4) Amendment Cover Sheet
- 5) The Statement of Social Security Numbers
- 6) Notice to Individual Consumer Debtors

A document filed electronically is deemed filed at the date and time stated on the Notice of Electronic Filing from the court.

Filing a document electronically does not alter the filing deadline for that document. Electronically filed pleadings must be filed before midnight Central Standard Time to be considered timely filed unless the presiding judge specifically requires an earlier filing time.

Information posted on the ECF System must not be downloaded for uses inconsistent with the privacy concerns of any person.

4. Required Fees

If a filing fee is required (e.g. for petitions, motions, amendments, appeals, adversary complaints), a Filing User must submit the required fee within three business days of the electronic filing. The required payment must be attached to a copy of the Notice of Electronic Filing regarding the document requiring the fee. *

*The clerk's office is in the process of implementing Internet credit card payments. When the Internet credit card payment system is fully implemented this section will be modified to require, unless for good cause shown, Internet fee payments.

5. Entry of Court-Issued Documents

All orders, decrees, judgments, and proceedings of the court will be filed in accordance with these ECF Administrative Procedures, which will constitute entry on the docket kept by the clerk under Fed. R. Bankr. P. 5003 and Fed. R. Bankr. P. 9021. All signed orders will be filed electronically by the court or court personnel. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed and entered on the docket a paper copy of the order.

Orders may also be issued as "text-only" entries on the docket, without an attached document. Such orders are official and binding.

The court may sign, seal and issue a summons electronically, although a summons may not be served electronically.

Notwithstanding the current local rules of this court, the movant is not required to serve proposed orders on parties in interest, unless the court directs. Proposed orders should be created and saved using either Word or WordPerfect and e-mailed to proposed_orders@ndb.uscourts.gov.

Immediately upon the entry of an order or judgment in an action assigned to the ECF System, the clerk will transmit to Filing Users in the case, in electronic form, a Notice of Electronic Filing. Electronic transmission of the Notice of Electronic Filing constitutes the notice required by Fed. R. Bankr. P. 9022. The clerk, or some other person as directed by the clerk or court, must give notice to a person who has not consented to electronic service in accordance with the Federal Rules of Bankruptcy Procedure.

6. Attachments and Exhibits (Rev. Mar. 2005)

Filing Users must submit in electronic form all documents referenced as exhibits or attachments. Filing Users are encouraged to submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the court. Excerpted material must be clearly and prominently identified as such. Filing Users who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane. The court may require parties to file additional excerpts or the complete document. Exhibits or attachments must be limited to 50 pages. Conventionally filed exhibits or attachments must be on letter size paper and single sided.

Proofs of Claim. No attachments shall be filed with a Proof of Claim. Attachments to conventionally filed Proofs of Claims will be returned to the filing party. The trustee, attorney for the debtor, debtor (if not represented by an attorney), or any party in interest may contact the filing party if additional information regarding the claim is necessary.

Hearing or Trial Exhibits. Exhibits offered at a hearing or trial will not be included in the electronic case file. Exhibits will be returned to the parties 20 days after the disposition of the matter or trial. Exhibits that appear to be copies may not be returned.

Privacy Issues. To the extent possible, Filing Users should be mindful not to include exhibits or attachments that include social security numbers or other identifiers.

7. Sealed Documents

Unless specifically authorized by the court, documents ordered to be placed under seal must be filed conventionally. A motion to file documents under seal may be filed electronically unless prohibited by law or may be filed conventionally, for good cause shown. The order of the court authorizing the filing of documents under seal may be filed electronically, by submitting the order to proposed_orders@ndb.uscourts.gov, unless prohibited by law. A paper copy of the order must be attached to the documents under seal and be delivered to the clerk.

8. Retention Requirements

Documents that are electronically filed and require original signatures other than that of the Filing User must be maintained in paper form by the Filing User until six years after the case is closed. * This retention period does not affect or replace any other retention periods required by

other applicable laws or rules. On request of the court, the Filing User must provide original documents for review.

*This time period is consistent with the North Dakota state practice and may be modified by a local rule.

9. Signatures

The user login and password required to submit documents to the ECF System serve as the Filing User's signature on all electronic documents filed with the court. They also serve as a signature for purposes of Fed. R. Bankr. P. 9011, the Federal Rules of Bankruptcy Procedure, the local rules and general orders of this court, and any other purpose for which a signature is required in connection with proceedings before the court. Electronically filed documents must include a signature block and must set forth the name, address, telephone number and the attorney's bar registration number, if applicable. In addition, the name of the Filing User under whose login and password the document is submitted must be preceded by an "/s/" and typed in the space where the signature would otherwise appear.

No Filing User or other person may knowingly permit or cause to permit a Filing User's password to be used by anyone other than an authorized agent of the Filing User.

Documents containing the signature of non-Filing Users are to be filed electronically with the signature represented by a "/s/" and the name typed in the space where a signature would otherwise appear, or as a scanned image.

Documents requiring signatures of more than one party must be electronically filed either by: (1) submitting a scanned document containing all necessary signatures; (2) representing the consent of the other parties on the document; (3) identifying on the document the parties whose signatures are required and by the submission of a notice of endorsement by the other parties no later than three business days after filing; or (4) in any other manner approved by the court.

10. Service of Documents by Electronic Means (Rev. Mar. 2005)

The "Notice of Electronic Filing" (NEF) that is automatically generated by the court's ECF System constitutes service or notice of the filed document on Filing Users, except pursuant to Fed. R. Bankr. P. 7004. Except as otherwise noted, the court's transmittal of an NEF, shall constitute proof of service upon the filing users noted on the NEF. Parties who are not Filing Users must be provided notice or service of any pleading or other document electronically filed in accordance with the Federal Rules of Bankruptcy Procedure and the local rules.

A certificate, affidavit or other proof of service must be filed when serving non-electronic filing parties.

A Filing User must notify the clerk's office when a change is made to the Filing User's e-mail address information. Notification may be sent to clerks_office@ndb.uscourts.gov.

Dated: 03/11/2005

/s/ Dianne G. Schmitz

Dianne G. Schmitz, Clerk
U.S. Bankruptcy Court



**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NORTH DAKOTA**

**ATTORNEY/PARTICIPANT
REGISTRATION FORM
ELECTRONIC CASE FILING SYSTEM**

Name (Last, First, MI): _____

State Bar Identification Number: _____

Firm Name/Address: _____

Telephone Number: _____

Fax Number: _____

Pacer I.D.: _____

E-mail Address: _____

I have read and agree to abide by the terms of the Court's Electronic Case Filing Administrative Procedures, as amended from time to time. I consent to service by electronic means when permitted under applicable rules and the Court's Electronic Case Filing Administrative Procedures.

Applicant Name (please print)

Applicant Signature

Return form to:

E-mail to: clerks_office@ndb.uscourts.gov